

North Smithfield Zoning Board
Meeting Minutes of May 2, 2006

Present: Emilie Joyal, Chair, William Halliwell, Linda Vario, Vice Chair, Stephen Kearns, Connie Laprade, William Juhr, Vincent Marcantonio, Robert Benoit, Building Inspector, Rick Nadeau, Solicitor.

Call to Order: The Chair called the meeting to order at 7:00 pm at the Kendall Dean School.

Before the meeting got under way, the Chair called Mr. Whipple to come forward. Mr. Whipple stated that he thought he was on the agenda this evening for his continuation. He asked that his application be continued to next month.

Mr. Halliwell made a motion to continue Mr. Whipple's application to Tuesday, June 6, 2006 at 7:00 pm. Ms. Laprade seconded that motion, roll call vote was as follows, AYE: Mr. Halliwell, Ms. Laprade, Mr. Kearns, Mr. Juhr, Ms. Vario.

Application of Anthony Cardello requesting a dimensional variance from section 6.9.6 "other yard modifications" from the North Smithfield Zoning Ordinance. Request is to use existing detached structure for horses. Locus is 476 Greenville Rd., North Smithfield Plat 15 Lot 94.

The Chair entered the following in as exhibits:

Exhibit P1 – Application for a certificate of zoning compliance.

Exhibit P2 – Application for hearing before zoning board of review.

Exhibit P3 – 200' Radius Map

Mr. Cardello was sworn in by the stenographer. Mr. Cardello stated he wants to convert a 2 car garage to a barn for horses. He further stated that a 25' variance is needed and the closest house is about 40' away from the existing garage. Mr. Cardello stated the garage once converted will be used solely for horses. Mr. Cardello stated that his neighbor, Mr. Moulico has no objection to this proposed structure. It would be more than a mere inconvenience and a large cost to move the garage to another site on his property.

Ms. Laprade asked Mr. Cardello how many horses he intended to keep and Mr. Cardello stated 2.

Ms. Vario asked Mr. Cardello if he would agree to a stipulation that he could have no more than 2 horses and Mr. Cardello agreed.

Mr. Juhr asked if Christine Hunt (abutter) had been notified. Mr. Benoit addressed Ms. Joyal and stated all abutters that were given to us by the applicant had been sent a letter by certified mail. Christine Hunt's mail was returned unopened.

Ms. Ruth Betta was sworn in by the stenographer. Ms. Betta stated that Christine Hunt is aware of the proposed structure and their intent to have horses and she does not object.

Mr. Halliwell stated in the petition of Anthony Cardello seeking a dimensional variance for assessors plat 15 lot 94 I find the following findings of facts:

- 1. Mr. Cardello testified he is requesting a 25' variance.**
- 2. Mr. Cardello testified the existing garage will be converted to a horse barn.**
- 3. Mr. Cardello testified that it would be more than a mere inconvenience to tear down the garage and build a new horse barn.**
- 4. Mr. Cardello testified that the owner of lot 171 presently has horses on their property.**

Mr. Halliwell moved to grant the dimensional variance with the stipulation that the amount of horses be limited to 2.

The Chair asked Mr. Halliwell to amend the stipulation to include that the maximum number of 2 horses be for recreational purposes only. Mr. Halliwell amended the stipulation. Mrs. Laprade seconded the motion, the roll call vote was as follows AYE: Mrs. Laprade, Mr. Kearns, Mr. Halliwell, Mr. Juhr, Ms. Joyal.

Application of Leo and Elizabeth Fleury requesting a dimensional

variance from section 5.6.3.9 “accessory family dwelling” of the North Smithfield Zoning Ordinance. Locus is 180 Rocky Hill Rd., North Smithfield, Plat 16 Lot 66.

Mr. Fleury was sworn in by the stenographer.

The Chair entered the following in as exhibits:

P1 – Application for a certificate of zoning compliance.

P2 – Application for hearing before zoning board of review.

P3- Boundaries Map

P4 – 200’ Radius map

P5 – Definitions used in RI Legislation for accessory dwellings

P6 – Letters from neighbors, Melnyk, Therien, Bonin, Sutherland, stating they have received notification from the Fleury’s and have no objections.

P7 – Letter from Preferred Appraisal Services to Mr. & Mrs. Fleury.

Mr. Fleury stated he would like to convert the loft area in his current detached garage into a family dwelling. The structure cannot be connected to the main house due to a large pool and concrete patio area between the house and garage. Mr. Fleury stated that there is a dirt driveway that runs along the side of the main house back to the garage. Mr. Fleury further stated he is putting in a new electric service for the loft area. Mr. Fleury stated at present the parking will be shared in the main driveway in the front of the house.

Mr. Terry Andoscia was sworn in by the stenographer. Mr. Andoscia stated he is a neighbor and has no objection to this proposed structure, but had a couple of questions. What is the square footage of Mr. Fleury's lot. Mr. Fleury stated it is approximately 65,000 sq. ft. Mr. Andoscia asked if they were to sell their house, does this variance transfer to the new owner and Mr. Nadeau, Solicitor stated that the variance goes with the property.

Mr. Halliwell stated in the petition of Leo & Elizabeth Fleury requesting a dimensional variance from section 5.6.3.9 "accessory family dwelling" of the NS Zoning Ordinance, locus is 180 Rocky Hill Rd., North Smithfield, Plat 16 lot 66 I find the following findings of fact:

- 1. Exhibit P5, page 1 "A", the definition of ADU generic, the definition calls for and I quote "ADU can be detached from a primary residence such as a conversion of a detached garage.**
- 2. Exhibit P5, pg 2, RI General Law Chapter 45 24 section 31 definition #2 – 2a & 2b states that an accessory dwelling may be in a detached structure such as a garage.**
- 3. Mr. Fleury testified that a separate ISDS septic is to be installed for the ADU.**
- 4. Mr. Fleury testified that there is a pool, patio covering a large portion to the rear of the house.**
- 5. Mr. Fleury testified that the rear structure is about 100' + from the**

existing house.

6.Four neighbors wrote a letter in support of Mr. & Mrs. Fleury's application for a variance.

7.Mr. Fleury testified that it would be more than a mere inconvenience to attach the house and the barn.

Mr. Halliwell moved to grant the variance as requested; Mrs. Laprade seconded the motion, roll call vote was as follows AYE: Mrs. Laprade, Mr. Kearns, Mr. Juh, Mr. Halliwell, Ms. Joyal.

Mr. Halliwell made a motion to approved the minutes of March 21 and April 4, 2006; Ms. Joyal seconded the motion, roll call vote was as follows AYE: Mrs. Laprade, Mr. Kearns, Mr. Juh, Mr. Halliwell, Ms. Joyal.

Mr. Halliwell made a motion to adjourn; Ms. Joyal seconded the motion, roll call vote was as follows AYE: Mrs. Laprade, Mr. Kearns, Mr. Juh, Mr. Halliwell, Ms. Joyal.

Meeting was adjourned at 8:10 PM

Respectfully submitted,

Kris Fanning
Clerk